IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 20581 of 2007(A)

PETITIONER:

THE MANAGING COMMITTEE,
QUILANDY TALUK AGRICULTURAL CO-OPERATIVE
MARKETING SOCIETY LTD.NO.F-1786, PERAMBRA,
KOZHIKODE DISTRICT, REPRESENTED BY
THE PRESIDENT P.VASU MASTER.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), KOZHIKODE.

BY GOVERNMENT PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

- -

W.P(C) No.20581 of 2007

- -

Dated this the 5th day of July, 2007.

J U D G M E N T

Petitioner is stated to be the President of the Managing Committee of a co-operative Society at Perambra in Kozhikode District. He impugns Ext.P1 notice issued by the respondent directing him to show cause why the Managing Committee shall not be superseded by invoking the power under Section 32 of the Kerala co-operative Societies Act, 1969. Learned counsel submits that petitioner is prepared to respond to the said notice and file his objections within seven days from today. But his apprehension is that the respondent may pass an order of supersession notwithstanding the validity of objections raised by him in the statement. He further apprehends that the respondent may implement the order straight away.

2. Learned Govt. Pleader submits that the above apprehensions are totally misplaced and misconceived. Respondent will pass order pursuant to Ext.P1 notice only in accordance with law and only after considering the objections that may be raised by the petitioner.

3. However having regard to the facts and circumstances I am satisfied that this writ petition can be disposed of with the following directions:

Respondent shall consider the objection statement, if any, that may be filed by the petitioner within seven days from today in response to Ext.P1 and take a decision in the matter in accordance with law, after affording sufficient opportunity to the authorised

representative of the petitioner to be heard. Respondent shall ensure that a copy of the order is served on the petitioner by registered post as soon as it is passed. If the order to be passed by the respondent goes against the petitioner, the said order shall be kept in abeyance for a period of ten days from the date of service of the same.

A.K. Basheer
Judge.

an.